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87. The patch bag according to claim 86 wherein the first heat shrinkable film
is formed by a ~~downward casting process~~ ^{cast extrusion} process.

REMARKS

I. Status of the Claims

Claims 1-12, 14-31, 33-39, 41-43 and 45-87 are pending. Claims 40 and 44 have been canceled, claims 9, 19, 45, 46 and 62 have been amended correct their dependencies, and claims 47-49 have been amended to correct minor errors.

Claims 63-87 have been added to more particularly claim certain embodiments of the present invention, and support for the newly-presented claims can be found throughout the specification, for example, at page 13, lines 1-3, page 17, lines 26-29, page 18, lines 10-18, page 28, line 36 through page 29, line 4, page 32, lines 14-26 and page 38, lines 1-25, and in Figure 4, as well as the claims as originally filed. Accordingly, Applicants respectfully submit that no new matter has been presented by the foregoing amendments.

Applicants note that newly presented claims 63-85 ultimately depend on claim 1, which was indicated to be allowable over the prior art of record. Accordingly, dependent claims 63-87 are patentable for at least the same reasons that claim 1 was patentable over the prior art.

II. Common Ownership

U.S. Patent Application No. 976,122 filed November 13, 1992, U.S. Patent Application No. 124,179 filed September 20, 1993, which issued as U.S. Patent No. 5,604,043 on February 18, 1997, and the present CPA, were all commonly owned or subject to an obligation of assignment to the same assignee at the time the subject matter

claimed in the present application was made. To support this claim of common ownership, Applicants submit copies of the recorded assignments filed in the aforementioned applications conveying the inventor's rights to the same assignee. Applicants also submit a copy of the assignment of the patent and the two applications from the original assignee, W.R. Grace & Co.-Conn., to the current owner, Cryovac, Inc. Accordingly, U.S. Patent No. 5,604,043 and any patent issuing from U.S. Patent Application No. 976,122 are not available as prior art under 35 U.S.C. § 102(e) to preclude patentability of the present invention under 35 U.S.C. § 103(c).

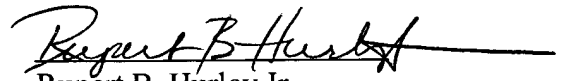
III. Conclusion

Applicants respectfully request consideration of this application and timely allowance of the pending claims. In this regard, Applicants note the Office Action of February 14, 2000 (Paper No. 34) in this application, in which claims 1 – 12, 14 – 31, 33 – 39, 41 – 43, and 45 – 56 were allowed.

As stated in the Transmittal Letter accompanying the filing of the instant continued prosecution application filed August 14, 2000, Applicants have charged the filing fee to Deposit Account 07-1765.

If there is any additional fee due in connection with the filing of this Preliminary Amendment, or any other fee deemed to be due for the instant application, the undersigned authorizes the Commissioner to charge Deposit Account No. 07-1765 in the requisite amount.

Respectfully submitted,


Rupert B. Hurley Jr.
Attorney for Applicant
Registration No. 29,313

Cryovac, Inc.
P.O. Box 464
Duncan, SC 29334
(864) 433-3247